

REMARKS

Claims 1-26 are pending. Claims 1, 10, and 17 are independent claims. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-26 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Beecher, II et al. (US 6,291,767), hereinafter "Beecher." The rejections are respectfully traversed. Beecher does not describe or suggest all the features of the claimed subject matter.

Claim 1 recites "a main body; at least one connector mounted onto a surface of the main body; and an easel pivotally coupled to the main body." (Emphasis added). Beecher does not describe or suggest all the features of claim 1.

In this regard, Beecher describes a data/communications distribution box that forms an interior space which can be closed with a cover, and a plurality of cable openings adapted to permit the passage of cable into and out of the interior space. See, e.g., Beecher at Abstract. Beecher does not describe or suggest "an easel pivotally coupled to the main body," as claimed.

Beecher describes a box 10 that normally includes a cover 12. In Beecher, the cover 12 is not pivotally coupled to the box 10. Therefore, Beecher does not describe or suggest "an

easel pivottally coupled to the main body," as recited in claim 1.

In fact, in Beecher, the cover 12 is not coupled to the box 10 at all. In this regard, Beecher states:

As is indicated in FIG. 1, the second end 18 normally includes tab slots 56 which, as is indicated in FIG. 2, are adapted to receive alignment tabs 58 of the box cover 12. The first end 16 includes cover mounting holes 60 which are arranged so as to align with mounting holes 62 provided in the cover 12 (FIG. 2). As is further illustrated in FIG. 2, the cover 12 normally includes side flanges 64 which are arranged so as to overlap the first and second side walls 21 and 23 of the box 10 when in the closed position. To ensure that the side flanges 64 do not interfere with the connection of conduits to the connection box 10, the side flanges normally include a plurality of arcuate notches 66 which are arranged so as to align with the substantially circular punch-outs 54 formed in the sides 20, 22 of the box 10.

See, Beecher, col. 3, lines 39-53. (Emphasis added).

Thus, as described in Beecher, the box 10 includes cover mounting holes 60 which are aligned with mounting holes 62 in the cover 12. Beecher does not describe or suggest that the cover 12 is coupled to the box 10. Instead, the presence of cover mounting holes 60 in the box 10 and mounting holes 62 in the cover 12 suggests that the cover 12 may be coupled to the box 10. In contrast, as claimed, the easel is pivottally coupled

to the main body. Thus, Beecher does not describe or suggest "an easel pivottally coupled to the main body," as recited in claim 1.

Further, the Office concedes that Beecher does not disclose "an easel pivotally coupled to the main body," as claimed. The Office contends that it would have been obvious to pivotally couple Beecher's cover 12 to the box 10 because coupling by "pivotal means" is well known in the art. Applicant respectfully disagrees. In this regard, the Office Action states:

Beecher does not explicitly disclose that the easel pivotally coupled to the main body. However, the use the pivotally means (e.g., a hinge) are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Beecher housing to employ a hinge that pivotally coupled to both the easel and the body in order to allow the easel pivotally open and close to the body as need.

See, Office Action, page 2, 3rd paragraph.

Thus, the Office appears to take Official Notice that the use of pivotal means is well known. If true, then Applicant respectfully disagrees with the Office's position unsupported by documentary evidence.

The MPEP states:

Official notice unsupported by documentary evidence should only be taken by the examiner where

the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).

See, MPEP, 2144.03.A. (Emphasis added).

Thus, the MPEP describes that Official Notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. In the rejection of claim 1, the Office does not provide any documentary evidence in support of the Official Notice that "pivotal means" is well known in the art. Applicant respectfully submits that, at least for this reason, a *prima facie* case of obviousness has not been established for the rejection of claim 1.

Further, because Beecher does not teach that the box 10 and the cover 12 are coupled, and because Beecher does not describe or suggest that the cover 12 not being coupled to the box 10 is a disadvantage, one skilled in the art will not be motivated to

couple the box 10 and the cover 12 by any means, let alone
"pivotal means."

Applicant respectfully submits that if the rejection of claim 1 is maintained, the Office should produce evidence to instantly and unquestionably support the Office's position that "pivotal means" is well known in the art. Absent such evidence, Applicant respectfully requests that the rejections of claim 1 and all claims dependent therefrom under 35 USC 103(a) be withdrawn.

Thus, Beecher does not describe or suggest all the features of claim 1. Applicant respectfully disagrees with the Official Notice taken by the Office to arrive at the conclusion of obviousness and requests that, if the Office maintains the rejection, then the Office should produce evidence in support of the Official Notice.

Accordingly, claim 1 is patentable. Claims 2-9 are also patentable at least for reasons similar to claim 1 and for the additional recitations that they contain.

Claim 10 recites "coupling the wire or cable to the at least one connector; securing the wire or cable into a notch on a serrated edge on the easel; and pivoting the main body and easel to provide tension on the wire or cable." (Emphasis added). Beecher does not describe or suggest all the features of claim 10.

In this regard, no portion of Beecher describes or suggests "securing the wire or cable into a notch on a serrated edge on the easel," or "pivoting the main body and easel to provide tension on the wire or cable ,," as claimed. The Office has not cited any portion of Beecher or offered any explanation in support of the rejection of claim 10. Instead, the Office Action states:

As per claims 10-16, these claims recite a method corresponding to the network communication housing of claims 1-9; therefore, they are rejected under the similar rationale.

See, Office Action, page 4, 1st paragraph.

Thus, the Office contends that claims 10-16 recite methods corresponding to the device claimed in claims 1-9. This contention cannot be supported. Independent claim 10 includes features that are not recited in any of claims 1-9. Claim 10 recites, in part, "securing the wire or cable into a notch on a serrated edge on the easel; and pivoting the main body and easel to provide tension on the wire or cable." These features are not included in any of claims 1-9.

Applicant respectfully submits that the Office has not stated the reasons for the rejection of claim 10 and all claims dependent therefrom together with such information and references as may be useful in judging of the propriety of continuing the prosecution of claim 10 and its dependents, in

compliance with 35 USC 132. Further, Applicant respectfully submits that Beecher does not describe or suggest "securing the wire or cable into a notch on a serrated edge on the easel," or "pivoting the main body and easel to provide tension on the wire or cable," as recited in claim 10.

Accordingly, claim 10 is patentable. Claims 11-16 are also patentable at least for reasons similar to claim 10 and for the additional recitations that they contain.

Claim 17 recites "an easel with a first edge and at least one foot for supporting the main body; a main body pivotally coupled with the easel, the main body comprised of a second edge that overlaps the first edge of the easel, at least one connector mounted onto a surface of the main body." (Emphasis added) .

Beecher does not teach all the features of claim 17. As discussed previously, in Beecher, the box 10 is not coupled to the cover 12. Thus, Beecher certainly does not describe or suggest "a main body pivotally coupled with the easel," as claimed. Further, the Office is respectfully requested to withdraw the rejections based on the Official Notice absent evidence to support the Office's position that using "pivotal means" is well known in the art.

Furthermore, the Office appears to be taking Official Notice that it would have been obvious to employ at least one

foot for supporting the main body. See, e.g., Office Action, page 4, 2nd paragraph.

Applicant respectfully disagrees with the Office taking Official Notice and submits that if the rejection of claim 17 is maintained, the Office should produce evidence to instantly and unquestionably support the Office's position that "employing at least one foot for supporting the main body" is well known in the art. Absent such evidence, Applicant respectfully requests that the rejections of claim 17 and all claims dependent therefrom under 35 USC 103(a) be withdrawn.

Thus, Beecher does not describe or suggest all the features of claim 17. Therefore, a *prima facie* case of obviousness is not established.

Accordingly, claim 17 is patentable. Claims 18-26 are also patentable at least for reasons similar to claim 17 and for the additional recitations that they contain.

CONCLUSION

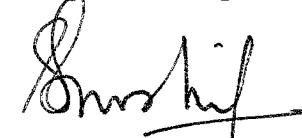
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims

(or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply any credits or charges to deposit account 06-1050.

Respectfully submitted,



Sushil Shrinivasan
Reg. No. L0368

Date: Feb. 19, '08
Fish & Richardson P.C.
PTO Customer No.: 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile